Additional Supplement to the Bombay Courier.

SATURDAY, JULY 13, 1822.

(Continued from the last Page Supt.

When we were again admitted, we found that the house had resolved itself into the said committee. The bill passed through it, and the house having resumed.

Mr. Brogden brought up the report. It was immediately received, and the amendments which it proposed were agreed to.

On the Speaker putting the question that the bill be read a third time.

Sir F. Burdett rose to express a hope that ministers, before they passed it would pledge themselves to the Irish nation to pursue a conciliatory line of policy in future, and not to introduce a bill of indeminity, to shelter the outrages which might be committed under it. (Hear, hear.)

Mr. Denman rose to inform 'the hon. bart, of a fact of which he appeared to be ignorant, that the Insurrection Act contained a clause which answered all the purposes of a bill of indemnity. (Hear, hear.)

The Attorney-General denied that the clause, to which his learned friend alluded, afforded indemnity to magistrates who should maliciously abuse the powers intrusted to them, and contended at some length that it only gave them the protection to which they where entitled. under the difficult circumstances in which they where frequently placed. He allowed that nothing but imperious necessity could justify such bills as the house was then passing; but at the same time he felt himself obliged to confess, that in his opinion, a necessity for passing them was at present to be found in the disturbed and distracted state of Ireland.]

Mr. Brougham should not follow his learned friend who had just sat down, into the legal argument which he had started upon the construction of the clause in the indemnity bill. His learned friend had stated, that the clause in question gave no more protection to the magistrate in Ireland than was already given to him by the law in England. If this was the case, there could be no harm in leaving out the clause altogether. (Hear, hear.)

The Attorney-General said, that in England the power was given to the magistrates by a specific act of Parliament, but it was not so in Ireland.

Mr. Brougham had not read Macnally's Justice, and therefore could not tell what the law in Ireland was. He could hardly suppose that nothing had been done in Ireland to protect the magistracy since the acts of James I. and George II. had passed in England.

Mr. Bright objected strongly to the ambiguous manner in which the whole of this bill was drawn up, and pointed out three distinct clauses, in which the construction of the bill was, in his opinion, liable to doubt,

The Solicitor-General controverted the legal doctrines laid down by the honourable member who had preceded him.

The bill was then read a third time without a division.

Mr. Spring Rice proposed to bring up a clause authorizing the King's sergeant or King's counsel, or the assistant barrister, to take baill from persons taken up under the authority of this act.

The Attorney-General stated, that the Court had this power already, by the general law of the land.

Mr. Denman.---Then there can be no objection to state so, specifically, in the act we are now about to pass.

Mr. S. Rice admitted it to be true, that the Court had this power to take bail; but it should be recollected that these courts did not sit from day to day, but in general from month to month. It was to prevent persons from being confined for months, who had not committed any malum in se, but who had only been found abroad after sunset, that he wished to give the same power that the Court possessed to the parties nominated in the clause which the clerk had just read to the House.

Mr. W. Smith thought the clause ought not on any account to be excluded from the bill.

The Solicitor-General thought it quite unecessary,

The clause was then rejected.

Mr. Spring Rice next proposed a clause to empower the Lord Lieutenant to appoint an additional local magistracy in cities and towns having the same powers as the others within the counties where the act was put in force.

The Marquis of Londonderry declared his dislike to the principle of creating an additional local magistracy, without qualification or reservation for a temporary purpose.

The house divided on this clause, when the numbers were---

For it, 31---Against it, 110---Majority against it, 79.

While strangers were excluded, we understand a division took place, upon a proposition of Mr. Denman's, to omit the magistrates' indemnity clause, when the numbers were---

For omitting it, 39---Against it, 100---Majority, 79.

The house then divided on the question that the bill do pass. The numbers were---

For the bill, 109---Against, 28---Majority, 81.

The Irish Insurrection Act was then passed.

The house afterwards divided upon the third reading of the Habeas Corpus Suspension bill, when the numbers were---

For the third, reading 109---Against it, 27---Majority, 82.

The bill was then passed.

The house adjourned at half-past twelve o'clock until Monday next.

VARIETIES.

THE BOROCUDOS.—To be seen, at No 23 New Bond street, admittance 1s., an extraordinary WILD INDIAN CHIEF, with is WIFE and CHILD, the first of their ribe ever seen in Europe. This family is he head of a savage tribe, called Botocudos, which inhabit the interior of South America, hey wander in the forests as Indians, feeding on the produce of their chase; their complexion is of the copper colour, their hair of a jet black, and straight and stiff, though in this respect they differ materially from others; their heads are of a very peculiar form, and the tips of their ears rest on their shoulders; they have a circular piece of wood curiously attached to the lower lip, the chiefs having larger ones than the others: they are rather under the middle stature, about 30 years of age, and the child about 2. The female is considered a complete Venus among the Indians, though rather differing from European ideas on that subject. Although belonging to a savage tribe they are perfectly harmless and inoffensive.

(*The Times 12th Feb.* 1822.)

As the Rev. Dr. Barrett, of Trinity College, Dublin, was walking one fine day in the Provost's garden, two of the students, who were looking out of a window, perceived him, and having procured a looking-glass, on which, catching obliquely the rays of the sun, they directed them full in the face o' his Reverence, who being offended at the indignity, proceeded directly to the apartments of the young gentlemen, and said, "Well, Mr. B. and Mr. W., I fine you each 10d. for *casting reflections* on one of the heads' of Trinity College.

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SUPPLEMENT TO THE BOMBAY COURIER

SATURDAY, JULY 13, 1822.

(Continued from the last Page.)

I beg to add that Mr. Chick had proceeded to Cawnpore for the purpose of being married, and had only joined the matrimonial state 4 days ere he met with this lamentable disaster.

I have to beg that the whole of the above may be inserted in your next Paper, the same being a true and accurate account of the transaction, from the scene to the present moment, so far as information has afforded, & occular demonstration recognised.

I am Sir, Your obedient Servant.

Futty Ghur } A SUBSCRIBER.
May 20, 1822. }

MEMORANDUM,—The names of the perpetrators have been out to the Resident, but in general every precaution to apprehend such offenders are unavailing, and they will as usual escape all punishment.

The following extract of a Letter referring to the same subject is given in the Calcutta Journal of yesterday.

"I have just this moment received intelligence from Futty-Ghur, that poor Chick was alive on the 25th. His left arm was amputated the day after he arrived at Futty-Ghur, a mortification having been likely to take place. He is in the Hospital, and his medical attendants think he will now recover, without any futher loss. I have not yet heard whether any investigation has been made into the affair, or whether the villains have been apprehended, but certainly such a shocking case will not be allowed to pass by unnoticed. I called at Mendy Ghant yesterday, and had some conversation with Mr. Cornish, who says, he never witnessed in all his travels, both by sea and land, such a shocking sight as that of poor Chick, when brought to his Bungalow."

[*Beng. Hurkara June* 14,

Letter from Diamond Harbour—We have had it blowing a severe gale, with heavy showers of rain at intervals, since the 7th instant. The gale commenced at daylight from the N. W. in the evening it hawed round to West, and blew a strong gale during the night, On the 8th the gale still freshened from the W. S. W. accompanied with a heavy short sea. At 11 30 A. M. the Country Ship Lady Flora parted from the Honourable Company's Moorings but brought up in safety with [illegible] anchors. At 2 P. M. a fine Brig drove on shore, deeply laden with rice. At 9 P. M. the second vessel drove on shore, and I am sorry to say there is very little hopes of saving any part of their cargo, as at high water I witnessed the sea making a compiete breach over them. There is not a small vessel that was lying here at the time (lading or light) that has not met with some accident, more or less; I think we shall still hear of more accidents when the gale abates. His Majesty's Ship Tees, the Honorable Company's Ships Earl of Balcarras and Sir David Scott, with the country Ship Harriett, have rode the gale out; the two latter Ships riding at the Honorable Company's Moorings.

Pooree June 6, 1822—The weather here is delightful, and the rain set in very lightly, consequently all our visitors go after the Ruth Juttra, which takes place on the 19th or 20th. There has not been such an immense concourse of Pilgrims for years. It is supposed about two lacs of Rupees will be collected. The Tokoor Juggernath was bathed on the 4th instant, and is now to remain sick for fifteen days. The three Ruths are getting on foot, one on 16 wheels, one on 14 wheels, and one on 12 wheels. This certainly is the most delightful climate in India.

Fanatic Priests—Some of our readers may probably not be acquainted with a certain class of fanatic native Priests, (commonly called *Padries*) in the interior of Padang, on the West Coast of Sumatra, who are in the yearly habit of propagating the tenets of their sect by compulsory measures, and when they meet with resistance, of stopping the Commercial intercourse, between the interior and the Coast. They are occasionally a very formidable tribe, and frequently require the interference of the European powers to keep them down. Just now we understand they are giving a great deal of trouble, and by letters lately received from Bencoolen, a Padrie-war as it is called, is as much talked of there, as a Russian war is here. The northern stations o Nattal and Ayer Banghy are entirely exposed to their attacks, and it is stated that the Dutch who had suffered from their incursions, had actually commenced hostilities against them, though not we hear with all the success they expected. These militia Padries, who appear to be "a nation of gallant men, a nation of men of honor and of cavaliers," have recourse to a stratagem when they are attacked, which in many cases proves successfull. They agree with Shakespeare, in thinking, that women tho' soft, mild, pitiful and flexible, are when occasion requires, at once, stern, obdurate, flinty, rough and remorseless, and accordingly place their women and children in front of their ranks to receive the first onset. We understand they actually had recourse to this stratagem, in a late engagement with the Dutch Troops, but the Dutch Troops of the Indian Archipelago are a nation of a gallant man and cavaliers also, and instead of pitying them, actually bayonetted the whole vanguard, consisting of 121 women, each with an infant, who had been placed to oppose them with extended arms. We know not well what to say to this most barbarous act, but we understand the fact, barbarous as it is, is perfectly correct as here stated. The Dutch it seems are determined to subdue them, and if they are well supported, they will no doubt succeed. They however have been defeated lately, but they ascribe their defeat entirely to the treachery of a Padre Chieftain, a Padang Senon as they call him, who had come over, for the exhress purpose of deceiving them. This is the Dutch account, and poor Senon, whether guilty or not has suffered for it. He was brought out we understand in the presence of the troops and all the Chieftains, and the first operation was to cut off his beard, to the great joy and delight of the applauding populace, who testified their approbation by repeated Huzzas: the second operation was to cut off his head, which they performed with the same Theban [illegible] orgies, and with the same [illegible] ejaculations; and the third operation was to embalm the head and send it down to Padang as a warlike Trophy, where where it has been exposed for some time to the admiring multitude.—*John Bull.*

Cal. Journal June.] 14.

Egypt—Extract of a Letter from Egypt:—"You may probably have heard something of our Pasha's expedition to Nubia. His success has been beyond all expectation, the whole country as far *Sennaar* and *Koodasan*, having submitted to his arms. He is now collecting an Army of black troops, which he is preparing to discipline after the European manner. Some hundreds of his Mamelukes have already been instructed by French Officers, so as to fit them for the office of drilling and taking the command.—Much interesting intelligence has been obtained by this expedition. Magnificent ruins with numerous pyramids have been found, which seem to answer to the site of *Masrata* and *Meroe*, besides many other temples and interesting remains of Ethiopian grandeur. The Nile, it is now ascertained, takes a very different course from what is represented in modern Maps, and agrees most accurately with the account given by Strabo. The Bahr-el-Abriad is found to be two thirds broader than the Nile. and its' increase to begin at a latter period."

[*Cal. Jour. June* 17.

English Extracts.

THE TIMES.

JAN. 4.

Mrs. SARAH BOND.—From an evening paper.)—"Mrs. Sarah Bond was one of four children of ——Bond, a jeweller, residing in an alley leading from Wellclose-square to Ratcliff-highway. He died about 50 years ago, and left his property between Mrs. Sarah Bond and a sister (the other two children appear to have died in their infancy). the sister died about 20 years since, and left her property, 6,000l., to her surviving sister, Sarah Bond; who, it appears, by documents I have seen, bought an annuity of 750l. per annum. Living in a most parsimonious manner, she contrived to scrape together about 13,000l. 3 per cents.; 1,000l. 4 per cents.; and 150l. per year in the long annuities; and this, at her death, was the whole of her immense wealth. The most likely person to possess this property is a Mr. Bond, a respectable butcher in Shoreditch, who has traced out that he is second cousin to this spinster, his grandfather being the only brother of the father of Mrs. Bond and the only obstacle in his way to administer is, that he has not yet been able to find out the church where Mrs. Bond's father and mother were married— a most essential thing to prove the legitimacy of Mrs. Sarah Bond. I should state that there are eight *caveats* against administering."

FEBRUARY 4TH.

[ADVERTISEMENT.]

COURT OF KING'S BENCH, WESTMINSTER,
JAN 29. COX AND OTHERS V. TROY.

This was an action to recover from the defendant, as the surviving partner of the firm of W. T. Roberts and Co., 938l. 16s. 10d., the amount of a bill of exchange, drawn upon them by Messrs. Roche, of Cork, bankers, payable 61 days after sight, and endorsed to the plaintiffs. The bill was left on the 24th of May 1820, with Messrs. Roberts and Co. for acceptance, who on that day wrote the usual acceptance across it, but afterwards obliterated their acceptance, in which state it was delivered to the plaintiffs when called for on the 27th. The cause was tried at Guildhall, at the sitting after Trinity term last, when the Chief Justice, on account of the importance of the question, declined giving any opinion as to the right of Messrs Roberts and Co. to cancel their acceptance; and under his direction, the Jury found a verdict for the plaintiffs, subject to a special case, for the opinion of the Court of King's Bench.

The case came on for argument this day, when Mr. CHITTY was heard on behalf of the plaintiffs at considerable length, and contended that a drawee, who had once written an acceptance across a bill, could not legally cancel or revoke it, while it remained in his own possession; and in support of his argument, he cited Marius, 83; Molloy 181; "Thornton v. Dick," 4 Espinasse, 270; "Timmen v. Oddie," cited in Bayley on Bills of Exchange; "Bentinck v. Glynn," Pothier, Pardessus and other authorities.

Mr. DENMAN rose to argue on behalf of the defendant, but was stopped by the Court.

The Chief Justice ABBOTT—I am of opinion, that in this case the defendant is entitled to the verdict. A jury have certainly found that the defendant did accept the bill; but, connecting that finding with the other facts of the case, it does not seem to me that it can import more than this—that at one time one of the defendants, or one of his clerks, did write an acceptance on it, and at that time was minded to accept it. The question will then be—whether having that intention at the time, and having written his acceptance, he was at liberty, on an alteration of the circumstances, or of his thoughts, to erase those words before he delivered out the bill. Upon that question there appears in the books to be some fluctuation, and, perhaps, some difference of opinion. In the case in the 6th East, Mr. Justice Lawrence says—"When the general question shall arise, it will be worth considering how that which is not communicated to the holder can be considered as an acceptance while it is yet in the hands of the drawee, and where he obliterates it before any communication made to the holder." That expression was used after the decision of the case of "Thornton v. Dick," and also the case of "Timmen v. Oddie," and at a later period, in "Raper v. Birkbeck." Lord Ellenborough says—"I remember Pothier, in his 'Treatise on Bills of Exchange,' speaking of an acceptor who has put his signature to a bill but has not parted with it, says, that before he does part with it '*il peut changer de volonte, et rayer son acceptation*; *a fortiori*, then, a third person who cancels an acceptance by mistake, shall not be held thereby to make void the bill, but shall be at liberty to correct that mistake, in furtherance of the rights of the parties to the bill." The manner in which Lord Ellenborough quotes the treatise of Pothier implies, that at that time he did not retain the opinion he had delivered in the former case. Now it has been very truly said, that foreign ordinances and foreign writers cannot be properly quoted as an authority to us; but in a case like the present, which depends on the law, the opinion of learned lawyers, and the practice of foreign and commercial nations, though not, strictly speaking, an authority, yet are entitled to very great weight, and very great attention. Finding it laid down in this author that a party who has given an acceptance may erase that writing before the bill goes out of his hands, it does appear to me that that may be done. I cannot perceive how the holder of a bill, or any antecedent party, is prejudiced by what is done: it is to him the same thing whether, when the drawers give it to the holder, they deliver it to him unaccepted, or whether he finds that the drawees have withdrawn their acceptance, that they did intend to accept it, but had changed their mind. The acceptance in this case is dated as on the day on which the bill is left, and I believe it is usual in London so to do. I believe they must date it on the day on which it was left for acceptance. Here was a delay of three days before it was called for; perhaps in the interim the defendants changed their minds. If they did change their minds, at what period their minds were changed the case does not state. Finding that no prejudice can arise to the holder or any other parties to the bill, and that it is placed in precisely the same situation as if no acceptance was given, it seems to me that it was competent for the acceptors to erase their acceptance before they delivered out the bill.

Mr. Justice BAYLEY. Chitty puts it, that the drawers requires the drawee to engage or come under an engagement to pay the bill. I agree that that is the proposition. The question is, when the drawee comes under an engagement. It is by the act of writing something on the bill, or the act of communicating what has been written to the person who is entitled to the possession of the bill? I have no difficulty in saying, from principles of common sense, that it is not the mere act of writing on the bill, but the making a communication of what is so written; for the making the communication is a pledge by him to the party, and entitles the holder to it. But while it remains in the drawee's hands, it seems to me that [illegible] is not fully binding on the person who signed it, and he is at liberty to say, before he parts with it, "I have not yet entered into the engagement."

Mr. Justice HOLROYD—I also think in this case the party was at liberty to cancel his acceptance, prior to the time the bill was delivered back again. In the old books there are *dicta*, which go to import as if an acceptance be once made, it could not be revoked. In some of the old books it is said, anything which amounts to an assent to pay the bill, whether in writing or otherwise, is in point of law an acceptance; and I suppose it has been on that principle that the case before Lord Ellenborough in 4th Espinasse was determined. But the subsequent case, seems to show that he had doubts as to the opinion given in that case. In "Fernandez v. Glynn," the cancelling of the bill was within the time when it should be paid, for a bill may be accepted even after it is due, and in that case it was contended that, if the crossing or cancelling the bill did not extend to the time of actual payment, so that an action for money had and received could not lie for it, yet it was to be considered in the nature of an acceptance, and certainly it was done at the time according to what proved to be the usage of bankers. What they had done on former occasions was to cancel the bill if they intended to pay it. Now that case seems to me to apply strongly to the present; for, in that case, according to the usage, if it was intended to be paid, they cancelled it; if not, nothing was done to it—it was returned, and given to the parties from whom it was received; but when it was cancelled, it was as if it was intended to be paid: and if it was intended to be paid, it was not done as if by mistake but

done under the expectation that it was to be completed; and, in consequence of the large payments that had been expected to be made in the course of the day, but which were not made, the cancellation was by mistake, and the bill was delivered back as one that they did not consider themselves bound to pay. And it is stated in the late case in 15th East, what the opinion of a foreign writer is on the subject. Where a man accepts a bill when he delivers it out, it is still binding on him. In contracts in general, if a man makes a contract, and he sends it out of his hands, he cannot revoke it afterwards. I am satisfied that this is not binding on the party, the acceptance being cancelled anterior to the time the bill is delivered back.

Mr. Justice Best.—This is a question on the law of merchants, and it is fit the law of merchants should be the same in this as in every other country in which we carry on commerce. It is fit that we should act according to the judgements of the courts in our own country; but, in the absence of those judgments, it is fit the practice of other countries, and the opinions of their learned writers, should be taken into consideration: on this point there seems to be no authority in the English law, except the case in 4th Espinasse. I agree with my Lord Chief Justice, that my Lord Ellenborough seems to have changed his opinion which he is reported to have delivered in that case The case in Molloy is applicable to where the bill was delivered out. It does not speak of cancellation, but revocation which is where the acceptance is suffered to remain in after the bill is delivered: But the next authority, that of Pothier, reported in East, is as high an authority as can be had next to a court of justice in this country. It is extremely well known that he is a writer of acknowledged authority; his writings have been constantly referred to by the courts. He is spoken of by one of the most learned lawyers in this kingdom, and his writings are considered by him like Littleton's on the laws of this country; I allude to Sir Wm. Jones on the law of bailments. We cannot have a better guide than Pothier, in order that we may know what the law is in that country in which Pothier wrote. But it appears that the opinion of Pardessus, who was a writer in that country, had laid down the law in the same terms. I should understand him as rather speaking of bills that had been delivered out, and not erased. It seems to me perfectly clear from the next passage. It is said, though a man does accept a bill, still if he cancels that acceptance before he delivers it out, that is sufficient. That is the same writer on whose authority Mr. Chitty rests his argument. It appears that that authority is decidedly against him. but if we look at common sense, and judge by analogy, does not that analogy show clearly that the party is not bound in such a case. Mr. Chitty says in his argument that the defendants here ought to have shown that this was done by mistake. How is it possible to do that? That thing looks like a mistake. He may have written an acceptance, and afterwards find, when he has written it, that it is on the wrong paper, and he says "I did not intend to accept that bill." He does that which shows that it was his intention not to enter into that contract No body can be injured by it; when this goes back, it goes back in as good a state as it came. The party is still placed in the same situation, why is he to be affected by this accident? In one case, which I don't remember, the name of Mr. justice Lawrence says, the party must shew by his acceptance, that he entered into a contract to accept. Would any man, looking at this bill, say that this defendant has entered into a contract to accept? At one time it was marked, as if he meant to enter into that contract; but it is clear and unequivocal that he did not mean to do it. Mr. Chitty referred us to Pothier: we all know that it is not perfected till actually delivered. In the case of a bond, there must be the signing and delivering; but it is quite clear that if there is no delivery, it is not a perfect bond, because the party has not done that which the law thinks necessary to be done in order to make it binding. It is no analogy in favor of Mr. Chitty. But put the case of common contract; suppose a man sent a paper to another, a contract, desiring him to sign it; he looks at it, and signs it, but immediately after he finds that it is not the contract he intended to sign; and, before delivering it, he strikes the signature out. Will any man say that it is possible an action can be brought on such an instrument? No: because, before he had done that which was necessary to make a complete contract, he had discovered his mistake, and his mind did not assent to be bound by it. It appears to me, not only on the authority of learned writers, but on principles of common sense, that as the acceptance is a contract, and as we have not any evidence that this defendant expressly assented to bind himself to become a party to this bill, it is impossible that judgment can be given against him.

The Court ordered the *postea* to be delivered to the defendant that he might enter a nonsuit.

February 5,

Lord Byron.—Pisa, Dec.—In the Romagna several more persons, but of less importance, have been arrested as Carbonari. Among those banished is Count Gambi, from Ravenna. The Count has come to Pisa, with his daughter, Signora Guiccioli; and the celebrated poet, Lord Byron, the friend of the latter, immediately followed her. Even after the separation of Signoro Guiccioli from her husband, he had lived in the house of the latter, paid 1,500 scudi for his lodging, and spent perhaps 50,000 scudi annually, especially in charity. In public he appears so seldom, that Englishman often paid a Louis d'or to see him, secretly, through the latticed windows of a neighbouring house. The Magistrates of Ravenna have earnestly solicited the pardon of the Court Gambi, and the Legate has supported this petition to his Holiness, only for the purpose of having back the celebrated and generally respected guest.—*Frankfort paper.*

February 6,

Some singular reports are in circulation with respect to jewellery to no less an amount than 64,000l., furnished by a well-known house, the account for which was recently submitted to Mr. Herries, of the Treasury, as part of the Coronation expenses.—*Evening Paper.*

Intrepidity of Female Convicts.—On the night between Sunday and Monday last, *Margaret Grant* and *Isabella Milne*, two culprits confined in the Bridewell of Aberdeen, contrived to make their escape from thence in a most extraordinary manner. The house being at present very much crowded with delinquents, it was found necessary to lodge some of the inmates in the roof. Having succeeded in forcing themselves through a sky-light, these daring females got upon the leads, and with a fearlessness and intrepidity worthy of a better cause, slid down successively, by the iron funnel of a steam boiler affixed to the exterior wall of the building. Their descent in safety will appear the more remarkable, when it is known that the height from which they came down is considerably above 40 feet.—*Caledonian Mercury.*

From the LONDON GAZETTE of Tuesday, Feb. 5.

At the Court at Carlton-house, the 4th of February: present, The KING's Most Excellent Majesty in Council.

SHERIFFS appointed by His Majesty in Council, for the year 1822.

Bedfordshire.—P. A. Lautour, of Staughton, esq.
Berkshire.—Sir G. East, of Hall-place, bart.
Buckinghamshire.—D. Way, of Denham, esq.
Cambridgeshire and Huntingdonshire.—R. J. Adeane, of Babraham, esq.
Cheshire.—C. Wicksted, of Baddeley, esq.
Cumberland.—W. Crackenthorye, of Bank-hall, esq.
Cornwall.—D. Howell, of Prideaux, esq.
Derbyshire.—P. Gell, of Hopton, esq.
Devonshire.—Sir T. T. F. E. Drake, of Nutwell-court, bart.
Dorsetshire.—The Rt. Hon. Sir E. [illegible] of Loders, bart.
Essex.—Sir C. H. Smyth, of Berechurch-hall, bart.
Gloucestershire.—S. J. W. F. Welch, of Painswick, esq.
Herefordshire.—T. H. Symons of Mynde-park, esq.
Hertfordshire.—T. Daniell, of Berkhampstead, esq.
Kent.—J. P. Powell, of Quex, esq.
Leicestershire.—C. J. Packe, of Prestwold, esq.
Lincolnshire.—Sir J. H. Thorold, of Syston, bart.
Monmouthsire.—J. Jenkins of Chepstow, esq.
Norfolk.—Sir R. F. Jodrell, of Sall, bart.
Northamptonshire.—J. Nethercoat, of Hasclbeach, esq.
Northumberland.—E. Craster, of Preston, esq.
Nottinghamshire.—W. F. Handley, of Newark-upon-Trent, esq.
Oxfordshire.—J. Blackall, of Great Haseley, esq.
Rutlandshire.—T. Floor, of Whissendine, esq.
Shropshire.—R. B. More, of Linley, esq.
Somersetshire.—V. Stuckey, of Hill-house, Langport Eastover, esq.
Staffordshire.—P. Hussey, of Wyrley-grove, esq.
County of Southampton.—R. Shedden, of Brooklands, esq.
Suffolk.—A. H. Steward, of Stoke-park, esq.
Surrey.—C. N. Palmer, of Norbiton-house, esq.
Sussex.—J. Eversfield, of Catsfield, esq.
Warwickshire.—M. Wise, of Leamington-Priors, esq.
Wiltshire.—E. Phillips, of Melksham, esq.
Worcestershire.—S. Ryland, of Kingsnorton, esq.
Yorkshire.—R. Bethell, of Wise, esq.

SOUTH WALES.

Carmarthen.—W. H. Bevan, of Pengay, esq.
Pembroke.—J. Mears, of Eastington, esq.
Cardigan.—T. L. Lloyd, of Wern Newydd, esq.
Glamorgan.—Sir J. Morris, of Bryn bart.
Brecon.—J. Christie, of Cwmllwyrog, esq.
Radnor.—E. Rogers, of Standage-park, esq.

NORTH WALES.

Anglesey.—W. W. Sparrow, of Tyuewydd, esq.
Carnarvon.—W. L. Caldecot, of the Cottage, esq.
Merioneth.—J. Gill, of Pant Glas, esq.
Montgomery.—J. H. Lyon, of Cefnbiwarch, esq.
Denbigh.—S. Newton, of Pickill, esq.
Flint.—T. Harrison, of Saathlwydd, esq.

Febuary 15,

Mr. Lambton has become the purchaser of Herrington Hall, and about 70 acres of land attached to it—price 19,000l., exclusive of the coal, which is to be valued and paid for in addition. This same property was bought for 7,500l. about 25 years ago,—*Durham advertiser*

The celebrated picture of Napoleon Buonaparte, by Lefevre, was sold yesterday by Mr. Go. Robins for 310 guineas to Lord Grosvenor.

Febuary 16.

The remains of Sir Thomas Lavie, K. C. B., late captain of his Majesty's ship Spencer, were interred at Stoke church by his own particular request, in the same grave with his friend and companion in arms, Capt. Montgomery (of the *Theseus*, 74), who died in 1797, in the 53th year of his age—*Plymouth Journal.*

Glasgow-green never more deserved the name than at present. Its verdure is as beautiful as we ever saw it in May. In the country the partridges are generally paired. The mavis is singing as in April. At Garscube there is a fine lamb, a month old, that eats grass with apparently as much relish as its mother.—*Glasgow Chronicle.*

A curious circumstance occurred on Friday evening. A man who had that day buried his wife, whom the medical attendant wished to examine after death, received permission to watch her; and during the night dug a grave in a gentleman's lair, and having disinterred the body, placed it there for greater security. The bailie observed next day what had been done, and the man was summoned to the Police Office, where he was fined in a sum equivalent to the charge for a second burial. The man who manifested this singular mode of affection was a Highlander.—*Glasgow Chronicle.*

One of the police-officers in a town not a hundred miles from Frome, having a poacher to take to Shepton Bridewell placed such confidence in the integrity of the delinquent as to enclose his *mittimus* in a letter to the gaoler, and gave it to him with instructions for is delivery. The fellow certainly went within a mile or two of Septon, when, meeting with a stout lad going the same road, he complained of the late hour before he should return home, and prevailed on the youth, for a pint of beer, to promise to deliver the letter for him to the keeper of the prison in person. The lad fulfilled his engagement, and was very kindly welcomed to his new residence; and all his roarings and assurances that he was not the person to be confined could not induce his new friend to part with him: he was accordingly conducted to his cage; but from the continued bellowing of the captive during the night, and the apprehension of his having the care of a maniac, on the following morning the keeper took the lad before a Magistrate, where he swore to the facts of his singular case, and being recognized by some persons of the town, he was liberated. The poacher has not since been heard of, and the constable has to pay the fine.—*Bath and Cheltenham Gazette.*

Febuary 21,

A very important suit, says a French paper (involving property to the annual amount of 150,000 francs), will shortly be brought before the tribunals. When Marshal Massena (who was Duke de Rivoli) was created Prince d'Esling, the letters-patent, which conferred upon him the latter title, stipulated for him and his male issue, by order of progeniture, that at his death, in the event of his leaving several male heirs, the title of Prince d'Esling, and the revenue attached to it, should devolve upon the eldest son; and the title of Duke de Rivoli, and the dependent revenue, to the youngest son. The contingency thus provided for by these letters-patent is realized. The conqueror of Zurich and the defender of Genoa died several years ago, and left two sons. The eldest took possession of the Principality of Esling, and the youngest of the Duchy of Rivoli. In the course of last years, the eldest died without male issue, on which the youngest appealed to the Minister of Finance, in support of his claim to the title and revenue of the Principality of Esling, which his Excellency recognised. This revenue, which principally consists of shares in the canals of Orleans and Toulouse, reverting, conformably to the stipulations of the letters-patent, in case of extinction of title, to the Crown, and the said shares, as enacted by the law of Dec. 1814, to be restored to their ancient possessors, the family, Caraman, have entered before the tribunals, against the Duke de Rivoli, a demand to the effect of declaring his title of Duke d'Esling extinct, and the revenue thereof revertible to the Crown; and consequently the restitution of the shares to the ancient possessors. MM. de Caraman were the original proprietors of the Canal of Toulouse. The question to be decided therefore is, whether, when Buonaparte said, there are two titles at the death of the Marshal—the eldest son shall have the title of Duke d'Esling, and its dependent revenue; the younger, the Duchy of Rivoli and its revenue—it was to be understood, that in case the eldest son died without male heirs, the title should be extinct; or if, on the contrary, according to the law of Majorats, the younger brother has not a right to take possession, on the death of the elder. M. Parquin will conduct the affair for the Duke de Rivoli, and M. Dupin for M. de Caraman."

February 28,

LAW REPORT.

COURT OF KING'S BENCH, Wednesday Feb. 27.

THE KING v. COLLINS AND OTHERS.

Mr. Scarlett stated that the indictment contained various counts, charging Thomas Collins, Esq. Sir Nathaniel Conant, and Samuel Mills, Esq. licensing magistrates of the Finsbury division of the county of Middlesex, with unlawfully and corruptly conspiring to withhold a licence from an alehouse kept by James Meeke, within the division, in consequence of his having ceased to employ Messrs. Meux, Reid, and Co. as his brewers. There were other counts not charging a conspiracy, but only a corrupt refusal of the license from the same motive.

Mr. Scarlett opened the case for prosecution. He began by entreating the patient attention of the jury to a very serious charge, which affected the interests of a large body of individuals, the purity of public morals, and the character of the magistracy of the country. There was not any one power with which justices of the peace were invested more nice—none requiring greater impartiality and temper—and none more liable to abuse, than the authority of granting and refusing licenses to publicans. The legislature, anxious to guard against that influence which brewers might exercise for their own purposes, had provided that no brewer should sit on the bench of magistrates, by whom the license of any house which he supplied with beer must be decided. But he would be bold to say, that if magistrates exalted in rank, powerful by their riches, and respectable in their general character, would degrade themselves by yielding in secret to the illicit influences of this class of men, it would be better at once to repeal the exclusive law, and to leave the exercise of the magisterial authority open to the gaze and the censure of the world. It was no new doctrine that magistrates were not bound to assign reasons for their decisions; but this privilege rendered it more necessary to watch their actions closely, and perhaps, if their irresponsibility were lessened, their own dignity might be increased, because where men saw only the results of their deliberations—when they perceived one man cast down, another exalted without apparent reason, there would be always jealousies excited, and suspicions of corrupt and unworthy motives. Wherever criminal motives really existed, it was of high importance that they should be detected; but this could only be done by a train of circumstances; it must be matter of inference from the tenour of conduct, not of short, distinct, and positive proof. To such a train of circumstances he had now to implore their attention. The learned counsel then proceeded to detail the evidence which he intended to offer, and concluded by declaring that the means of removing the suspicions excited were in the defendants' power if they were guiltless, and if these were removed, God forbid that they should not meet with a full acquittal.

The witnesses were then examined at great length in support of the charge. In the course of their testimony it appeared that James Meeke, the prosecutor, in 1814 purchased the lease of an alehouse, called the Green Man, in St. John's-lane, Clerkenwell, for 390l.; and afterwards laid out large sums of money on the premises. Finding himself in want of capital, he applied to Meux, Reid, and Co, who lent him 400l. on a mortgage of his lease and he consequently, dealt with them for beer. After a time, however, he found that their beer was not to the taste of his customers, and procured Barclay and Co. to take up the mortgage, and, of course, transferred his custom to them. In 1815, while he dealt with Meux and Co.; his license was granted without objection, but, in 1816, his license was suspended till the adjournment day, on the 13th of Sept., by the magistrates. In the interval, two of the magistrates, Mr. Sellon and Mr. Cottrell, visited the premises; and on the 18th the subject was again brought under discussion, when six magistrates, viz. the three defendants, Dr. Gaskyl, Mr. Sellon, and Mr. Cottrell, were present. On the question being put to the vote, the defendants Mr. Mills, Sir N. Conant, and Dr. Gaskyl voted against the license, and Mr. Sellon and Mr. Cottrell in its favour, so that it was rejected without the vote of Mr. Collins, who was chairman. In 1817, and 1818, Meeke applied to the magistrates on a petition signed by all the pa-

rish officers of both parishes in Clerkenwell, and all the inhabitants of the street in which he lived, for a renewal of his license; but in both instances without success. Eleven alehouses in the parish were suspended at the same time with that of the prosecutor; but all were restored on the adjournment day, except his and that of a neighbour named Dell. Dell, however, who had before complained of the beer of Meux and Co. continued to deal with them, and his license was restored in the following year. It was further sworn by Meeke, that when he first went to obtain his license in 1816, he saw waiting in the hall near which the magistrates were assembled, a clerk in the employ of Meux and Co., named Lucas; but it appeared that there was a great number of persons assembled, and that Lucas went to the hall on general business, and not with any view to the particular license of Meeke. It was also sworn by the prosecutor, that when he attended with his petition in 1817, he saw Mr. Wigram, a partner in the house of Meux and Co., enter the room, write his name on a card, and send it into an apartment where the magistrates were assembled, on which Sir N. Conant came out, held a private conversation with Mr. Wigram, and afterwards rejoined the other magistrates, by whom the license was again refused. Meeke also swore that, on this occasion, Willis, a clerk in the employ of Meux and Co. was in the hall, and whispered something to Dell, who was waiting, which seemed to give him pleasure, and shortly after Dell's license was granted. The evidence of Dell, however, negatived the presumption raised by the circumstance of any communication being made from Willis to him, though it appeared that he walked finally away with Willis, and that they drank wine together. The three magistrates indicted were present at all the meetings when the license was refused; but others were also present, some of whom, and in particular Dr. Gaskyl, voted against the license. It was proved that the procecutor offered to make any alteration which the magistrates required in the house, and that when he attended with Mr. Robins the churchwarden, who offered to speak to his character, Mr. Collins said, that the magistrates were satisfied on that point, but that if he had any charge to bring against Meeke, they would hear him. It was proved that Meeke sold a large proportion of beer compared with his sale of spirits; that his house was one of the oldest publichouses in the parish; that it was frequented by the more respectable order of customers; and that it was always conducted in the most orderly and quiet manner, and never was open during the time of divine worship, or at any improper or unseasonable hours.

The Solicitor-General addressed the jury on behalf of Mr. Collins & Sir Nathaniel Conant—the first of whom he described as a venerable gentleman 86 years of age, who had acted for forty years as a magistrate in the country of Middlesex with unblemished honour; and the last of whom he represented as having passed a long life open to the view of his county, and far beyond the reach of suspicion. The learned Solicitor commented at large on the evidence, and contended that such miserable fragments of a case ought not to prevail, even if unanswered by a tittle of opposing proof. He dwelt particularly on the circumstance that Sir N. Conant, who was represented as opposing the license of Meeke, from his regard to Meux and Co. actually voted against the license of Dell, when he was the regular customer of his pretended friends.

Mr. Gurney addressed the Jury on behalf of Mr. Mills, which he did with painful anxiety, because that gentleman was his old and valued friend, and the feelings which that circumstance awakened, rendered him less able to fulfil his duties as an advocate. He proceeded to contend that no case was made out against any of the parties; that against Mr. Mills there was absolutely nothing but the fact of his voting against the license; so that Dr. Gaskyl might have been as well included in the charge, whom he should no more expect to meet with in an indictment than the Archbishop of Canterbury. Both the learned Counsel protested that they called witnesses—not because they thought it necessary to ensure a verdict, but because no shade of suspicion should rest on the character of the defendants.

It was shown in evidence on the part of the defendants, that a short time before the license was first suspended, the magistrates of Middlesex, assembled in their Sessions at Clerkenwell, passed resolutions, strongly recommending the suppression of all houses, which, under colour of an alehouse license, were chiefly carried on for the sale of gin. Although the alehouse in question was of considerable size, and respectably conducted, it appeared that at the time when the license was first refused, the tap-room was directed by a person named Rawlins, who was allowed all the profit above a guinea on every bu of beer drawn, and that the bar was then distinct from the tap-room, and accessible b another entrance. The first appeared by th answer of the constable to the general questions propounded by the magistrates. It w proved that the usual custom of the magistrates is, whenever a license has once bee refused, to regard any application for i renewal, as if it were a request for a licens never before granted; and there were n less than 18 other public houses within 16 yards of the Green Man. Dr. Gaskyl swo that he voted consciensiously against th license, and had made a minute at the tim "refused because unnecessary, and formerly irregular," and never heard of any vot given for other reasons. Mr. Wigra swore that he went in September, 1817, Clerkenwell, to speak to Sir N. Conant whom he slightly knew, on behalf of Willia Jellity, who had been his coachman, and ha subsequently kept an alehouse, and whos license was suspended, but that neither th name nor the case of Meeke was in any manner alluded to, by either Sir N. Conant o himself. On his cross-examination he said that he had no recollection of Meeke's ceasing to deal with his house: that he never was informed of the circumstance by a person in his employ named Hullah; and that he never said to Hullah, that he need no lose his time by going after Meeke, for he would make Barclay's people repent interfering with their customers.

Robert Hullah was then called on the part of the prosecution, to contradict Mr. Wigram. He swore that while he was in the employ of Meux and Co., he informed Mr. Wigram that Meeke refused to deal again with their house, and that Mr. Wigram replied that he need not lose his time by going after Meeke, for he would make Barclay's people repent interfering with their customer. On his cross-examination, he said that he dismissed himself; there was a complaint against him of a deficiency of 32l., in his account of 1,700l weekly; he was irritated at Mr. Wigram's language on the occasion, and did as some great men did—resigned.

Mr. Wigram was then recalled, and after a discussion on the right of the counsel for the defendants to interrogate him, stated that he told Hullah he should not go out to collect any more; but whether he then dismissed him in terms or not he could not swear.

The Solicitor General replied on Hullah's evidence, adduced in contradiction of Mr Wigram.

Mr. Scarlett replied on the whole case.

The Lord Chief Justice commenced his charge by observing that the corrupt motive was the essence of the indictment, and that mere error or even rashness of judgment could not sustain it. He then recapitulated the whole evidence on both sides, commenting on it as he proceeded; and reminded the jury that the question was not whether the licence ought to have been granted or not, but whether it was withheld from a deliberate intention to assist Messrs. Meux and Co. as brewers.

The jury retired for nearly an hour and a half, and on returning into Court found a verdict of guilty against all the defendants on the last count of the indictment only, which did not charge the conspiracy, but the corrupt refusal of the licence.

One of the Jury asked, "Are there no terms of modification?"

The Lord Chief Justice explained that they could not find a verdict of guilty, even on the last count, unless they were satisfied that the corrupt design charged actuated the conduct of the defendants.

The verdict of guilty on the last count was taken and recorded.

The trial, which lasted just twelve hours, did not conclude until near eleven o'clock at night.

HOUSE OF COMMONS.

FEBRUARY 8th.

IRISH INSURRECTION BILL.

The Marquis of LONDONDERRY moved the order of the day for the house resolving itself into a committee on the Irish Insurrection bill.

On the question "That the Speaker do leave the chair."

Sir J. Newport rose and said, as he understood from the noble lord opposite, that the noble marquis who was now at the head of the Irish Government had recommended the adoption of the Insurrection Bill, and of the *Habeas Corpus* Suspension Bill, without alteration or modification; and having, in every former transaction of that noble person's life admired his talents, and entertained the highest opinion of his public conduct, he was disposed to wave his own opinion, and not to press for the modification of measures which, it was said, the noble marquis demanded without modification. (Hear, hear,) He took this course, also on the conviction that if he were to persist in calling for modification and if the house gave way to his representations, then, should the measure be found inapplicable to the present state of Ireland, (as, however modified, he believed it would be), he should be accused as having rendered the act inoperative by the introduction of those changes. Under such circumstances, the responsibility, and an awful responsibility it was, rested with the head of the Irish government, who required those measures in their most potent form.

Mr. G. Dawson and Sir J. Newport mutually explained.

Lord Folkestone could not let those obnoxious measures pass, without entering his decided protest against them. His right hon. friend (Sir J. Newport) had told the house, that on account of the high character of the noble marquis, who called for these two bills, he would wave his opinion, and withdraw his opposition from them. There was no authority, with reference to Irish affairs, to which he would sooner bow, than to that of his right hon. friend; but when he said that he would wave his own fixed opinion, that he would forego the modification of those measurs which he had contemplated, because he admired the talents of the noble marquis and approved of his former conduct, he (Lord Folkestone) could not participate in those feelings; he could not allow his confidence to carry him so far. When he saw in that house last night 190 gentlemen, ready to sacrifice the constitution of the country, without consideration, without any proof being given that such a sacrifice was necessary, or that it could be of any use—when he saw them ready to do this, at the mere motion of the minister, he confessed that it filled his mind with horror, shame, disgust, and, he would say, with indignation. (Hear, hear.) He could not but view with feelings stronger than he could express, the conduct of those who wantonly surrendered the constitution of the country into such hands. (Hear, hear.) This practice had become more and more the custom of the house. On the smallest grounds, indeed in each instance the last ground was less than the preceding, the libertics of the country were tamely surrendered; and where such a system was regularly pursued what were they to expect in the course of a few years? He hoped the people would bear in mind how they had been treated on this occasion. The meeting of Parliament had been postponed to an unprecedentedly late period; and when it was assembled they were addressed by a speech remarkable for its omissions with respect to the state of the country. One-fourth of that speech related to the people of Ireland; and it spoke of that country in such terms, as must render it impossible for any one who had read the passage to believe that Ireland was in that state of outrage and rebellion which the noble lord had described. (Hear, hear, hear.) That the people of that country should be up in arms—that they should have taken the field, as it were, against the military force—in short, that they should be in a state of open rebellion, and yet that his Majesty, at the opening of the session, should speak of them as he had done, was to him quite inconceivable. His Majesty said—"that a spirit of outrage, which had led to daring and systematic violation of the law, had arisen, and still prevailed in some parts of the country." But outrages and a systematic violation of the law, were very different from rebellion, and were perfectly distinguishable from what the noble lord had described. The papers which had been presented to the house (and they were the most meagre, the most unsatisfactory things that could possibly be conceived, on which to found any measure whatsoever) did not support the sweeping statement of the noble lord. But, if the country were in a state of rebellion, it was in that state, as was observed by a noble lord (Mountcharles) who was generally a supporter of the minister and his colleagues, and whose authority was therefore entitled to some consideration, in consequence of the negligence, the inattention, and the apathy of his Majesty's Government. The hon. member for Donegal told them, that this state of outrage and disquiet had continued for several months, and that if Ministers had called Parliament together in the month of November, much difficulty would have been avoided, and much blood-shed would have been spared. If that were the case who was accountable for the state of rebellion in which the noble lord described the country to be plunged? None but himself and his colleagues. And were these the individuals to whom the house, in its confidence, would intrust all these great powers? Were those the persons whom they were bound to believe, when they declared that those powers were necessary? Besides, as his right honourable friend had said, these remedies were not applicable to the state of things which the noble lord had described. With respect to the *Habeas Corpus* Suspension Act, he could not see how it applied in any way whatever to the situation of Ireland, as stated by the noble lord. Indeed, the noble lord had not said that it did apply. His observation was, that a state of things might possibly occur, in which the operation of such a measure would be useful. Was, then, the *Habeas Corpus* Act of so little importance, that it was to be dispensed with, in expectation of some contingency, and in the absence of any adequate cause for its suspension? Was it of so little consequence, that Parliament might suspend it as a measure of anticipation? One gentleman had stated, that he considered the Insurrection Act a very proper measure, but that he looked on the *Habeas Corpus* Suspension Act as improper and unnecessary. But that gentleman added, that he would support the latter, because he approved of the former, and he did not like to divide his votes. (Hear.) This was the way in which such incongruous measures were carried. There was no evidence whatsoever of the existence of rebellion. Where was it to be found? Certainly not in the King's speech, nor in the papers that had been laid on their table. But if disturbances existed in some districts, and those small ones it appeared, was that to be advanced as a sufficient reason for suspending the liberties of the whole people of Ireland? (Hear.) His right hon. friend had said that he would not oppose those measures if they were called for by the Marquis Wellesley. Now, to the assertion that the Marquis Wellesley had called for those powers, he would give the answer which an hon. gentleman had given last night—namely, that he did not believe the Marquis Wellesley wanted such powers to be placed in his hands by Parliament. (Hear.) If he did request them, they would have been favoured with some evidence to prove, at least, that such was his wish. It would, indeed, have been the manifest interest of ministers to lay evidence before the house. But the spirit of the noble marquis's observations, and the statement contained in those papers, would bear the inference, that he did not desire those powers and that he did not conceive the country to be in a state of rebellion. (Hear.) This was a plain view of the case; and he could never agree to concede such extraordinary powers to the crown, or indeed any powers whatever, on the mere *ipse dixit* of a minister, which was nothing more than air, and might be uttered at one moment and forgotten the very next. (Hear.) The temper and character of the Marquis Wellesley had been frequently alluded to as an argument for fearlessly intrusting those powers to his hands. This argument had no weight with him. Power was a very tempting possession, and it had always been found that, when individuals were invested with extensive authority, the more they had, the more they wished to have. The mind of the Marquis Wellesley was of that species which delighted in the acquirement & exercise of power; & it should not be forgotten that, at one period, he enjoyed despotic power. He had, it was true, ran a most brilliant career, but that circumstance did not lessen, in his mind, the danger of intrusting him with absolute authority. Buonaparte also ran a brilliant career, but he was a great tyrant. The splendour of his achievements might be admired, but would any one be inclined, on account of that splendour of his achievements to clothe him with despotic power? (Hear.) The mind of the Marquis Wellesley was of that lofty description, his character was of that determined nature, which might lead him to render his already brilliant career still more brilliant, by the exercise of despotic power. Such power, in his opinion, ought to be confided to no person; and least of all was it calculated for such a man as the Marquis Wellesley, who, from his long habits, would perhaps be the most anxious to possess it. He meant nothing disrespectful to the noble marquis; but he thought he had shown that the only reasons given by his right hon. friend for freely conceding those great powers were not valid ones. He (Lord Folkestone) recollected, in the early period of his parliamentary life, that the mode in which the noble marquis had formerly exercised power, became the subject of inquiry in that house; and he must say that the manner in which he appeared to have used his authority was not of such a nature as would tempt him to place power in the hands of that nobleman again. (Hear.) Transactions, it appeared, had taken place in India—transactions with which the Marquis Wellesley was intimately connected—which could not be remembered without exciting feelings of pain. Never could he forget the sort of conduct which the noble marquis pursued towards the unfortunate princes who came within his grasp, and towards the unfortunate countries which he subjugated for the East India Company. (Hear.) His proceedings with respect to the Nabob of Oude, the Nabob of the Carnatic, the Peishwa, and other princes, were memorable instances of the gross abuse of power, and of the greatest cruelty. His conduct partook of the spirit which distinguished the proceedings of all those who were possessed of despotic power. The same conduct was pursued by Buonaparte, when he wielded the power and resources of France, towards all the Governments which he subjugated. Having acquired this knowledge of the noble marquis's conduct in India, he confessed that he did not feel very willing to place those extraordinary powers in his hands. He had he believed, stated his sentiments in a parliamentary way. He had no reasons for concealing his opinions; and he thought he had said enough to show, that there was nothing in the conduct of the noble marquis to justify the house in placing those exorbitant powers at his disposal. Another point of argument had been used on this occasion, which appeared to him to be equally fallacious; and it too, rested on personal character. The noble lord had told them that the Insurrection Act was drawn up and prepared by a right hon. gentleman, the present Attorney-General for Ireland, and formerly a member of that house—It was said, as he had sided on many public questions with those who opposed ministers, that therefore his authority must have considerable weight in proving that Government were actuated by a just and liberal spirit. But this authority also failed; for two years ago, when the celebrated Six Acts were passed, he recollected the definition that learned gentleman gave of liberty. He stated that "liberty was the power of doing that which the law enabled a man to do;" under which definition the Turkish, the Hindoo, the Algerine people—but not the people of Ireland, when the *Habeas Corpus* act was suspended—would enjoy as

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much liberty as the people of England, notwithstanding all the securities and safeguards with which our forefathers had surrounded our rights and privileges. This learned gentleman, thinking, perhaps, that the people of England had too much liberty, treated them with the Insurrection Act. With respect to the application of those laws, not one individual amongst those who supported them could show how they applied to the state of the country. They wanted something, it seemed; and they were willing to put up with these bills, without troubling themselves about the efficacy of their operation. It was melancholy to see the House of Commons brought to this situation—that in the absence of all reason and evidence, at the mere beck and invitation of the minister, they were willing on the preceding night to force these bills through all their stages. The house was now running a career most fatal to the country. Viewing, with feelings of alarm, inroads which were daily making on the constitution, he should oppose both these bills, but most particularly that which suspended the *Habeas Corpus* Act (Hear, hear.)

The Marquis of Londonderry said, the noble lord had thought fit to assert, that the declaration of a minister of the Crown, in his place in Parliament, was not to be received as evidence—that the house ought not place any dependence on it. He however, begged leave to combat this opinion. A minister of the Crown making a statement in his place, and pleading his official responsibility for its accuracy, was as liable to be challenged and impeached, if his statement were incorrect, as if he had laid a false despatch on the table of the house. (Hear.) If a minister could so far forget himself as to assert that which was not matter of fact, his conduct would produce and deserve the severest animadversion, and would be justly visited by the contempt and detestation of mankind. [Hear, hear.] And surely the man who could have the hardihood to proclaim a false fact to the house, would be equally capable of forging a despatch. (Hear.) He therefore questioned the noble lord's constitutional authorities on this subject. This was not the first time that the noble lord manifested a disposition to form a contrast with those whose principles he generally advocated; and to-night he exhibited a most notable contrast to the gentlemen around him. He appeared to have risen more for the purpose of attacking the Marquis Wellesley, than of imparting any information to the house. (Hear.) Now he would, in a few words, state how the fact stood to which the noble lord had alluded, and he would then leave them, like other facts in our history, to carry their conviction with them, perfectly convinced that the character of the noble marquis would not suffer in public estimation. (Hear, hear.) It was matter of notoriety that parliamentary proceedings relative to the conduct of Marquis Wellesley were instituted some years ago. He did not know whether the noble lord was the prosecutor in his own person on that occasion, or whether he was the associate of another person named Paull, who had found his way into the House of Commons. The Marquis Wellesley had, at that time, terminated his brilliant career in India. He had returned crowned with laurels from these at of that Government which he had so long and so ably administered, and he carried with him the love and admiration of all who had witnessed his exertions. He found, however, on his arrival here, that instead of sitting down to enjoy the well-earned fruits of his honourable labours, he had to traved through a long investigation of his conduct at the instance of the individual whom he had just named. Considerable delay in consequence intervened, before he received that homage which was justly due to his talents and intergrity, and which he did ultimately receive, in spite of all opposition. He believed there never was an accusation brought within the walls of that house which imparted more painful sensations to men of dignified feelings—(hear, hear)—nor one, the defeat of which was hailed with greater pleasure. (Hear, hear.) The noble lord had applied the word "cruelty" to the conduct of the Marquis Wellesley: but he would assert, and he would appeal to the right hon. gen. (Sir J. Newport) who sat on the noble lord's right, whether the noble marquis was not the last man in the world to whose conduct such an epithet ought to be applied. (Hear, hear.) The noble lord afforded a solitary instance of a desire to promulgate opinions which were at variance with those held by all other men. To right, while all those around him were blazing in admiration of the public and private conduct of the Marquis Wellesley—when they appeared almost ready to confide supreme power to him, the noble lord stood forward to attack his character. He congratulated the noble lord on the station which he had assumed, a station in the enjoyment of which he was sure no person would disturb him. (Hear.) With respect to the objections of the right hon. bart., it was fitting that he should make an observation or two. The right hon. bart. said he would rather pass the Martial Law Bill than the Insurrection Act. What was the Martial Law Bill? A measure that applied to all Ireland, and was therefore unlike the Insurrection Act, which remained inoperative unless it was put in force on the application of seven magistrates. The Martial Law Bill was only applicable to a state, *flagranti bello*; whereas, the Insurrection Act was applicable to a country, a part only of which was in state of insurrection. To that part its provisions could be applied, when the magistrates called for it, while the other portions of the country, which were in a peaceable state, were not affected by it. The reverse was the case with the Martial Law Bill. Martial law was the suspension of the *Habeas Corpus* into the bargain. (Hear, hear.) It was the suspension of the *Habeas Corpus* placed in military hands. The functions of the King's Bench were placed in the hands of military officers. It was, therefore, a suspension of the *Habeas Corpus* of the worst kind. He was not disposed to take this flight with the right hon. bart., and to trust the execution of the laws to marching regiments rather than to the judges. Whatever gloom of mind or exaltation of confidence influenced the right hon. bart., in bringing him to the conclusion that the whole of Ireland ought to be handed over to marching regiments, he could not participate in his conclusions. Lord Wellesley had chosen a more temperate and more judicious course. He could conceive a case in which military law ought to cover the face of the country; but this was not such a case. He was, therefore, as little disposed to concur with the right hon. bart. for resorting to military law, as he had been last night to agree with an honourable and learned gentleman in confering absolute power on the noble lord at the head of the Irish government. The suspension of the *Habeas Corpus* had never been intended to apply to acts of outrage and rebellion. He had stated the evil to which it was a corrective, and the only corrective. It was not for rebellion in the field, but for cases where emissaries were inflaming men into rebellion. In such cases it was the only mode of saving the country from their pernicious labour. He therefore did not lament that Lord Wellesley had come to the decision of not applying for martial law. It had formerly been of great utility, but it was not the proper measure for the present exigency.

Dr. Lushington did not believe that the exigency required these laws, or that they could, by possibility, produce the effects which the noble marquis contemplated. The house was referred to the papers on the table, and to the confidence to which the Marquis Wellesley was entitled. In the papers he found outrages, but the Insurrection Act was the very law which ought not to be applied to their suppression. But the remedy ought to be a commission sitting in Cork, in Limerick, in Tralee, to try men as fast as military forces could bring them in; and for this purpose let there be a sufficient military force provided. He could not consent, on the evidence here, or on the ground of confidence in the Marquis Wellesley, to give his vote for the two bills before the house; and he begged here to advert to the severe animadversions which had been unjustly made upon his noble friend. (Hear hear.) Never on any other occasion had he lamented more that the house had been deprived of those distinguished persons whose authority would support, and whose eloquence would defend, every statement of his noble friend. (Hear, hear.) Sir Samuel Romilly had, in his own hearing, in as able, as powerful, and as eloquent a speech as ever flowed from the mouth of man, pronounced the strongest censure on the principles & on the conduct of the noble lord at the head of the Irish Government. (Hear, hear, hear.) Mr. Whitbread, Mr. Sheridan, Mr. Windham, concurred in the same censure. If, then, his noble friend had been in error, he had been in error with some of the greatest names that ever graced, or ever would grace, that house—names which rescued Parliament from the utter disgrace which would otherwise attach to it. His noble friend had a right to go back to those circumstances, and to state, with regard to them, the honest conviction of his mind. The noble lord might perhaps do him the honour to recollect a question which he had asked Mr. Sheridan upon this subject. He had asked whether he had not abandoned the question by special compact under the Grenville administration. Mr. Sheridan replied, that though he retained the same opinions, he had not thought it right to agitate the subject during that administration. He (Dr. Lushington) believed that such conduct had proceeded from compact, and that his friends had deserted their duty. They who had with warmth and energy pressed for inquiry and justice before, treated the subject with coldness and indifference after they came into office. He did not hesitate to censure this conduct in his own political friends. Adherence to truth ought to be preferred to any principles of party. (Hear, hear.) He was still firmly of opinion that Lord Wellesley, though a man of great talent, vigour, and ability, had forgotten the obligations of treaties, and the considerations of humanity, which ought to bind all men; that he had sought to effect his end, and unhappily forgot the character of his means. On the state of Ireland he acceded to the opinions of the right hon. baronet, whose knowledge of Irish affairs signalized him in that house; but he would not accede to his confidence in Lord Wellesley. It was not in the power of man to exercise a sound discretion in every individual case. He would mention an instance in which the noble marquis opposite signed a warrant without knowing any thing of the individual. He heard the circumstances from that individual's son. A warrant had been obtained against a gentleman of the Roman Catholic religion, and at the age of 70. He had never quitted his house; but his sons hearing that a warrant was issued, hurried to Dublin to learn whether it was so. In the office he was told it was impossible. He was again informed that there was a warrant against his father, and, on a second application at the office, he found it was so. He afterwards arrived at his father's house just in time to prevent its execution. This was the danger to which an aged gentleman, of 5,000l. a year, had been exposed, without any fault on the part of the noble lord, but by the natural abuses of arbitrary laws. (Hear.) The evil would appear more dreadful to those who knew what the gaols of Ireland were. Let them look into the inside of Dublin gaol, and every feeling would be a feeling of horror and regret. The members from Ireland assured the house, that the magistrates could not be trusted. Standin, a murderer, had been suffered to sit with the magistrates in the county of Limerick; his crime was known, his person was known, yet none dared to apprehend him. He was allowed to be at large till the member for Limerick got him apprehended, convicted, and executed. How, then, could they confer the proposed powers upon such magistrates? "Oh," said the noble marquis, "I have a palliative for all; I have taken away the jury, but I have sent down a King's sergeant, whose independence ensures that none will be transported who does not deserve it." He knew not what an Irish sergeant was, for he had never seen one, but he knew sergeants in England, and he would rather trust his life to any jury in England than to any one of them; not because he doubted their learning or integrity, but because they had a political bias, and because they knew that if they were active—no matter, though five or six innocent persons should have been transported—they were likely to obtain the protection and the patronage of the Government. (Hear, hear, from the ministerial benches.) This was his firm conviction, founded upon his experience. There was one sergeant, at least, his Majesty's Solicitor-General, on the other side. When he looked to the promotion which took place in those ranks from which the cheers now came, he was only the more confirmed in the opinion he had expressed. (Hear, hear.) When peers in England were promoted for political versatility, could he believe that his Majesty's ministers would be more scrupulous elsewhere? There was no difficulty so great but an adequate remedy might be applied. Industry, wisdom, and perseverance, could find means to remedy every political evil. The evils of Ireland might be promptly remedied, but not by the proposed laws, to which he could not give his support.

Mr. Lockhart supported the motion. There were some defects in Ireland, & a mercurial disposition to violence. The system of intimidation made trial by jury inexpedient,

Mr. Spring Rice said, that if the right honorable baronet had given his authority to the bills, he would have yielded to that authority; but the right honourable baronet had rested his assent on his confidence in the head of the Irish Government. He neither joined in this confidence, nor disclaimed it. Facts and circumstances, and not confidence in any man or set of men, formed the ground of his conduct. He admitted the pressure of the evil, but the suspension bill was not at all applicable to it. The Insurrection Act, if modified, might be found a remedy. If no jury could be found to act, he would have voted for the bill as it was. But juries had acted and done their duty at Limerick. He would then proceed on the authority of facts, and not yield to unsupported theories. On the bringing up of the report, he would propose a few alterations. One would regard the mode of trial. He would propose a clause to enable the King's Sergeant to admit to bail. He would also propose a clause to enable the Crown to authorize persons in remote or detached districts to act as justices of the peace. With respect to juries, he would propose to commit the alternative of trying by jury or not to the sergeant, who was divested of local passions and animosities.

Mr. Calcraft said that the strong bias of his mind had been, that under the afflicting circumstances the present was the better course to be taken. He had been strengthened in this opinion by all the discussions and reflections he had heard on the subject. However difficult he felt it therefore, to differ from his friends, he conceived it would be a mean compromise on his part if he did not vote for the measures, and state his reasons for doing so. His friends seemed to take but one view of the question. They fixed their attention on the horrors of the Insurrection Act, and the breach of the constitution by the suspension of the *Habeas Corpus* Act. He admitted those evils: he did not like them: but must he not make choice of one of the alternatives—either to have severe laws, or to suffer murder, massacre, and outrage, and a dissolution of society? (Here, hear,) Rather than bear the mischief, he would have recourse to the remedy—detestable, if they pleased, which alone could restore the security and confidence of society. Not only were the measures proposed proper, but they were the best which could have been selected. It had been said that martial law was preferable to the measures now before the house: but, comparatively speaking, he thought the Insurrection Act was the milder course: and it should be recollected that this act was not necessarily to be extended over the whole of Ireland, but that the Lord Lieutenant, in whose character and talents he had the greatest confidence, would apply it only to such districts as were found to be in a state of actual disturbances. He was glad to find that a right hon. bart. (Sir J. Newport) had withdrawn his opposition to this measure, as if he had continued in the opinion which he first delivered on they subject, he (Mr. Calcraft) should scarcely know how to persevere in his own. As to the alternative of martial law, he thought it could not be made effectual to put down the disturbances, as it would require a greater number of troops than could be spared from the service.

Mr. William Lamb said he would support the bill, from his confidence in his Majesty's ministers, and his confidence in the noble lord (Wellesley) to whose hands the execution of this power would be chiefly confided. He would not now enter into any detail respecting the merits of that noble lord, or go back to any thing respecting his government in India, but he would express his conviction, that the noble lord was not more distinguished for character and talent heretofore than he would now be for great exertions for the welfare of his native country. At the same time that he admitted this, he would give the same powers to the hands of any other governor who he had reason to believe would use them fairly. He would also support the present bill from the confidence he had in the gentlemen of the sister country, who, he was satisfied, would do every thing in their power to carry it into effect. While he voted for those strong measures on the ground of their pressing necessity, no man felt more deeply for the distresses of Ireland than he did, and no man was more anxious that it should be governed with the most liberal policy. He would therefore go as far as any for an inquiry into the cause of the present disturbances, with a view of removing them if possible.

Mr. C. H. Hutchinson opposed the bill, and contended at some length, that no sufficient case had been made out for such unconstitutional measures. He would ask, did the noble lord and his colleagues think that they could continue to govern Ireland by such means, applying coercion again to suppress the disturbances which arose out of their own misconduct, without ever attempting to enquire into the original causes, in order to remove them? He felt satisfied that constant coercion was not the way by which Ireland could be brought to a state of quiet; and if the present measures were carried into operation, without at the same time entering into a serious consideration of the state of Ireland, with an earnest disposition, to redress its grievances, the result would be—not the suppression of the present disturbances—but the creation of others still more formidable.

Colonel Davies supported the bill. He would not vote for the present measure if that was all that was intended to be done; for after this he would be most anxious that a full investigation should take place into the grievances of which Ireland complained. Surely it would not be said, however, that while that inquiry was going on, the system of plunder, murder, and massacre, which now prevailed, should be suffered to continue.

The question for going into the committee on the bill was now put and agreed to.

The Speaker having left the chair, the bill was committed, and the various clauses were put and carried. The house then resumed. The report of the committee was brought up, read, and agreed to.

On the question that the bill be engrossed.

Mr. S. Rice said he would take that opportunity of moving the amendments to which he had previously alluded. He then moved that the words of the bill "shall proceed without any grand jury, and without any bill being found," should be omitted. This was put and negatived.

He then moved that the following words be also left out of the bill—"In such case where conviction or judgment, or acquital, shall be had without the verdict of any petty jury, it shall stand good, as if the grand jury had found a bill, and a petty jury had pronounced upon it." This proposition was also put and negatived.

The hon. Member next moved the omission of certain others words of the bill, which we could not distictly hear, but the motion was, like the preceding ones, negatived.

The hon. Member now moved for the insertion of a clause, authorizing and commanding the magistrates, under the special commissions, to issue their warrants to the sheriff, who should be thereby authorized and commanded to issue out his precept for summoning fit and proper persons for a petty jury, the same as were summoned to courts of Over and Terminer, and that the sheriff should be bound to attend the sittings of the special court, in the same manner as if it were a court of general sessions of the peace. The other parts of the clause went to establish a regulation for the sitting of the court from day to day, and for the greater facility of taking bail for parties accused.

The Marquis of Londonderry opposed the clause, and observed that it was understood that the sittings of the Commission should be from day to day, and that the difficulty respecting the taking of bail could not be so great as the honourable member had stated it,

Mr. S. Rice said, that the noble lord was much mistaken, if he thought that great delays would not occur, as the bill now stood. He had attended every Court of Special Commission in his country, and he found that delays of days, weeks, and in one case exceeding a month had taken place. This arose from the construction which was put upon the words "from day to day," by the law officers in Ireland. They held it to mean, from any one day to any other, even though remote. Now as by the present act bail could only be taken by the favoured King's sergeant who should preside, a man against whom, perhaps only a charge of being out of his house after certain hour was brought, might be kept without bail for two or three weeks. He trusted, therefore, the noble lord would not oppose the clause. He begged of the house also to consider, that upon the adoption or rejection of the clause depended, whether the trials should be by the magistrates without a jury, or by a jury alone.

The house now divided.—

For the motion, 30—Against it, 139—Majority, 109.

We undersood that during our exclusion from the gallery the bill was passed.

HABEAS CORPUS ACT SUSPENSION BILL.

On our re-admission, we found The Speaker putting the question that this bill be committed to a committee of the whole house. Strangers were again ordered to withdraw, when a division took place.—

For the commitment, 127—Against it, 36—Majority, 91.

(*Continued in the Additional Sup.*)